

REMARKS

Claims 1-26 are pending. Claims 18-26 were previously withdrawn. In the Applicants' response electronically filed on September 25, 2006, claims 2-4, and 7-13 were canceled, claims 1, 5, 6, and 14-17 were amended and new claims 27-32 were added. Applicants respectfully request the entry of these amendments and new claims.

Based on an Examiner interview (see below), claims 1, 5, and 6 have been amended further, claims 27-32 have been canceled, and new claims 33-39 have been added. Support for the amendments and new claims can be found in the claims and specification as originally filed.

With respect to all amendments and cancelled claims, Applicants have not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the Patent Office. Applicants reserve the right to pursue prosecution of any presently excluded claim embodiments in future continuation and/or divisional applications.

Declaration under 37 C.F.R. § 1.132

Applicant points out that a declaration by the Applicants' Chief Scientific Officer, Dr. Uwe D. Staerz, executed September 29, 2006, accompanies this supplemental response.

Interview Summary

Applicants gratefully acknowledge the Examiner interview on September 28, 2006 during which Examiner Kelly and Applicants' representative Todd Lorenz discussed the Examiner's prior section 112 rejection and potential amendments to resolve the same. Amendments consistent with this discussion are proposed herein.

Notably, the Examiner discussed the further concern regarding expression levels of CD8 alpha chain in the subject allograft cells and the correlation of expression level with immune inhibitory activity. As demonstrated in the accompanying Declaration of Dr. Uwe D. Staerz under 35 U.S.C. §1.132, Applicants' own data demonstrates that complete transfection of all

allograft cells is not required for the subject therapy to work, even in a solid organ transplant setting. Efficient transfection and expression of CD8 alpha chain by the outer layer of cells that first encounter systemic circulation and hence the perfused expression vector is sufficient to inhibit the responding T cells. Accordingly, Applicants respectfully submit that the claims as presently amended are adequately supported by Applicants' experimental data and in full compliance with the requirements of 35 U.S.C. §112.

CONCLUSION

Applicants respectfully submit that the claims are now in condition for allowance and respectfully request notice of the same at the Examiner's convenience. Should there be any remaining issues the Examiner is welcome to contact Applicants' representatives by telephone at (415) 781-1989.

Respectfully submitted,
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